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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,109	07/28/2000	ARND WENDLAND	10191/1401	9774

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EXAMINER

LEI, TSULEUN R

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 07/08/2003

20

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/581,109

Applicant(s)

WENDLAND, ARND

Examiner

TSULEUN R. LEI

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 15 is objected to because of the following informalities: in line 4 of the claim, the term "acoustically displayed via an output device" is not clear. Examiner suggests the following language: "read out as text on a display and audibly output". Appropriate correction is required.

### ***Allowable Subject Matter***

2. The indicated allowability of the subject matter in claim 15 is withdrawn in view of the newly discovered reference to Ruhl et al. ("Ruhl"), U.S. Patent No. 6,285,862. Rejections are based on the newly cited reference follow.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

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matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruhl, U.S. Patent No. 6,285,862, in view of Abe et al. ("Abe"), U.S. Patent No. 5,895,903, previously used (office action mailed 1/ 18/2002).

Regarding claim 15, Ruhl discloses a broadcast radio receiver set, comprising: a memory for storing RDS-TMS data or similar encoded data that is capable of being retrieved, through input selection, in any desired sections, and that are able to be at least 'acoustically displayed' (i.e., text is displayed and speech text is output via audio circuitry) via an output device; wherein the radio receiver set is configured to be compatible with at least one of a radio data system supplementary service and a traffic message channel supplementary service (col. 1, lines 20-30 and col. 10, lines 23-31).

Ruhl does not explicitly disclose operating instructions that can be 'acoustically displayed' via an output device.

However, Abe is evidence of operating instructions (reads on visual guidance and voiced data and instructions for operations), that can be 'acoustically displayed' via an output device (col. 6, lines 28-34).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Ruhl to include as a type of data stored in the broadcast receiver, operating instructions, for the purpose of providing the user with guidance and instructions for operation of receiver as is suggested in Abe (col. 6, lines 41-49).

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Regarding claim 9, which is dependent on claim 15, the combination of Ruhl and Abe disclose the limitations of claim 9 as described above. Abe further discloses the radio receiver set, wherein: a portion of the operating instructions is retrievable in response to an application of an operating voltage (i.e., upon user operation of a button) (col. 8, lines 26-30).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Ruhl to include as a type of data stored in the broadcast receiver, operating instructions, for the purpose of providing the user with guidance and instructions for operation of receiver as is suggested in Abe (col. 6, lines 41-49).

Regarding claim 10, which is dependent on claim 15, Ruhl further discloses the radio receiver set, wherein: the memory corresponds to a non-volatile memory (e.g., ROM) (col. 3, line 66 to col. 4, line 2).

5. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruhl, and Abe, in view of Kung, U.S. Patent No. 5,182,553 (previously used in last office action).

Regarding claim 11, which is dependent on claim 15, Ruhl and Abe disclose the limitations of claim 15 as described above. The combination fails to explicitly disclose the radio receiver, further comprising: a transmission devise for receiving one of the operating instructions and at least sections of the operation instructions from a central device.

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In a similar field of endeavor Kung is evidence of a transmission devise for receiving one of the operating instructions and at least sections of the operation instructions from a central device (terminal apparatus (20)) (col. 7, lines 25-49).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Ruhl and Abe to include an external means for reprogramming the broadcast receiver as is known in the art and suggested in Kung (see col. 7, lines 25-49).

Regarding claim 12, which is dependent on claim 11, Ruhl and Abe disclose the limitations of claim 11 as described above. Abe further discloses the radio receiver set, further comprising: an operational control element for retrieving and outputting one of the sections of the operating instructions, the one of the sections of the operating instructions being adapted to a specific operating state of the receiver (i.e., selections required by a function to be performed) (col. 8, lines 27-30).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Ruhl to include as a type of data stored in the broadcast receiver, operating instructions, for the purpose of providing the user with guidance and instructions for operation of receiver as is suggested in Abe (col. 6, lines 41-49).

Regarding claim 13, which is dependent on claim 12, Ruhl and Abe disclose the limitations of claim 15 as described above. The combination fails to explicitly disclose the radio receiver set, wherein: the operation control element permits a repeated actuation in order to output other sections of the operation instructions.

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In a similar field of endeavor Kung is evidence of the radio receiver set, wherein: the operation control element permits a repeated actuation in order to output other sections of the operation instructions (selection of the "HELP" key permits the user to view instructions on a number of different receiver functions) (col. Fig. 2A, col. 5, lines 1 to col. 6, line 55).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified the combination of Ruhl and Abe to include a specific operation control element for the purpose of selecting segments of operational instructions as suggested in Kung.

Regarding claim 14, which is dependent on claim 13, the combination of Ruhl, Abe and Kung disclose the limitations of claim 13 as described above. Kung further discloses the radio receiver set, further comprising: a further operation control element, wherein: the operation control element and the further operation control element enable a section of the operating instructions pertaining to the further operational control element to be output by actuating the operational control element and by actuating the further operating control element (in response to actuating the "HELP" key, and then the "LOCK" key, information typical of the "LOCK" function is displayed) (see Fig. 2A, col. 5, lines 1 to col. 6, line 55).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified the combination of Ruhl and Abe to include a specific operation control element for the purpose of selecting segments of operational instructions as suggested in Kung.

### ***Conclusion***

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kiraly et al., U.S. Patent No. 6,324,511 discloses a method and apparatus for multi-modal information presentation to computer users with reading disabilities.

Thompson et al., U.S. Patent No. 6,504,580, discloses a non-telephonic, non-remote controller, and wireless information presentation device with advertising display.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TSULEUN R. LEI whose telephone number is 703-305-4828. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D Bost can be reached on 703-305-4778. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5403 for regular communications and 703-308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

TRL

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June 27, 2003

  
ERIKA GARY  
PATENT EXAMINER